

No.

22-303

In the
Supreme Court of the United States

DR. YURI J. STOYANOV,
Petitioner

v.

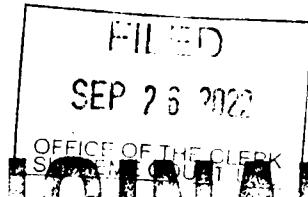
DEPARTMENT OF THE NAVY, *et al.*,
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

Dr. Yuri J. Stoyanov
Pro Se
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Pro Se Petitioner



ORIGINAL

QUESTIONS PRESENTED

1. In this *pro se* case Petitioner respectfully requests the US Supreme Court to intervene in this case, which is the eighth petition to this Court. Petitioner, Dr. Yuri J. Stoyanov was at all times relevant to this action employed as a Scientist GM-13, ND-1310-IV in the Naval Surface Warfare Center, Carderock Division (NSWCCD) (the “Agency”), department 70, in Bethesda, MD. Petitioner worked in that capacity since 1987 until removed by fraud in March 2010. Prior to that since 1986 he worked as the Office of Naval Technology Postdoctoral Scientist at the same department. Since 2002 Petitioner and his brother Dr. Aleksandr Stoyanov filed disclosures with the chain of naval command, with the US Special Counsel and EEO discrimination complaints with the agency /CDNSWC EEO office, and then, since 2005 with the U.S. District Court.

2. The instant case 09-cv-03479 was reactivated and assigned to District Court Judge Blake in 2018. Since 2019, the District Judge C. Blake denied motions for discovery, deposition of witnesses, court hearing, jury trial and the investigations of 2019, 2020 and 2021 mail fraud committed by the agency representatives defendants Kessmeier and Caron with defendants’ representative Marzullo that conspired and organized criminal schemes of mail fraud to dismiss Petitioner’s lawsuits. Petitioner respectfully requests that this court intervene and reverse Judge Blake’s orders and organized fraud with defendants’ representative Marzullo and defendant Kessmeier’s continuous federal crimes of mail fraud, escalated violations of laws and the cover-up of crimes and criminals. Judge Blake’s conduct amounts to a deliberately planned and

carefully executed criminal schemes and the cover-up of crimes and criminals to defraud not only Petitioner but also the proper administration of judicial business. After the seventh petition 19-1179 for writ of certiorari was not considered by this Court, Judge Blake had become so emboldened to harm Petitioner, that she willfully and persistently escalated and committed fraud on the court in 2020 and 2021. This case is the continuation of Petitioner's prior i.e. seventh petition 19-1179 for writ of certiorari to this court. In the 19-1179 petition Petitioner asked this court to vacate Blake's 4/16/19 Order granting defendants 3/26/19 motion to consolidate five separate cases after defendants' representatives with defendant Kessmeier committed January 2019 Mail Fraud and Wire Fraud with certified mail containing summons and Plaintiff's complaint for 15 defendants. Plaintiff discovered and timely disclosed these federal crimes in the 1/18/19 motion to investigate fraud. To cover-up defendants' federal crimes, Judge Blake organized criminal schemes with defendants to dismiss lawsuits by fraud. In the 4/16/19 Order Blake denied 1/18/19 motion to investigate fraud and granted defendants' motion to consolidate. Plaintiff opposed the consolidation and filed motions, appeals and also the petition 19-1179 with this court (see details disclosed in the petition 19-1179).

3. Soon after this court 2020 decision was announced, in July 2020 Marzullo committed Mail Fraud and perjury with defendants' mail addressed to Petitioner, (see Petitioner's/P's Exhibits B and C in Appendices 9A and 10A). Then in August 2020, Marzullo with Judge Blake and deputy court clerk committed Mail Fraud with court mail addressed to Petitioner, mail containing summonses with the court seal to be served

on defendants in five added lawsuits, was maliciously incomplete, was without summonses for the 16 most crucial defendants /witnesses so that Petitioner would not receive summonses and would not timely serve on 16 defendants, then by using fraudulent pretext “for Plaintiff’s failure to serve with summons” the consolidated case to be dismissed by mail fraud.

Plaintiff caught these criminals and timely served on all 40 defendants and in his motion disclosed this federal crime to the court with the request to investigate. (See ECF document 68 of November 5, 2020). However, Judge Blake denied Plaintiff’s 11/5/20 motion, though it was unopposed, in the 1/13/21 Order by fraud, as the order was not sent to Petitioner, so that Petitioner’s motion to reconsider the 1/13/21 Order to be untimely. Petitioner learned about the mail fraud and the 1/13/21 order in February 2021. The 2/12/21 motion disclosed federal crime with the request to investigate. Since this and all prior motions to investigate federal crimes of 2019, 2020 and 2021 were denied by Blake by fraud, they with impunity committed another Mail Fraud in June 2021 with the court mail addressed to Plaintiff, see Plaintiff’s Exhibit A, in Appendix 11A. Judge Blake denied Petitioner’s motions for discovery, deposition of witnesses, to investigate Mail Fraud, as well as the motions for sanctions against defendants, motions to disqualify and remove Marzullo from defendants’ representative position, and the 9/13/21 motion to transfer this case from Judge Blake to another judge in 2019, 2020 and 2021. Judge Blake obstructed the justice to deprive Petitioner of discovery to supplement deficient court record, fair adjudication of claims and court hearing with jury trial.

4.In the instant case (1:09-cv-03479-CCB) there are claims of defendants' fabricated accusations /charges against Petitioner to harm Petitioner in 2007, to suspend security clearance and to remove from work and federal service by fraud, in reprisal for Whistleblower's and EEO discrimination complaint activities since 2002, and on the bases of age and national origin. Petitioner filed timely EEO discrimination complaints and also the 2007 appeal with the Defense Office of Hearing and Appeals (DOHA) court, which reversed suspension of security clearance. Defendants' fabricated accusations were investigated at DOHA court in 2008. During the DOHA hearing, the judge observed that not one accuser /(defendants in instant case) appeared at the hearing to testify under oath. In the 2008 transcripts of DOHA hearing judge stated that accusers failed to appear at the hearing because their accusations were baseless and they were afraid to testify under oath and loose their security clearances for perjury and fraud. As the result of the court hearing DOHA judge ruled in favor of the Petitioner, and Petitioner's Top Secret security clearance was reinstated and Petitioner returned to work in April 2008. In 2008, after Plaintiff returned to work, defendants Kessmeier and Caron instigated management officials/defendants to escalate retaliations and egregious retaliations to issue disciplinary actions by fraud, to remove from work and federal service in 2010 by fraud, after Petitioner filed numerous disclosures with the chain of naval command, over six disclosures with US Special Counsel, over fifty (50) EEO discrimination complaints, eight lawsuits with district court, seven appeals with the 4-th Circuit Court and five petitions with this Court. Since 2010 Plaintiff filed six

additional civil actions with district court: cv-11-739, cv-12-2458, cv-13-141, cv-13-142, cv-14-3262, and two petitions with this Court: 17-174 and 19-1179.

5.Because of fraud on the court committed on Petitioner's 14 lawsuits no Defendant was examined under oath since 2006 to this day.

The Questions to this Court:

- 1) Whether the willful and persistent fraud on court committed in 2019, 2020 and 2021 and Respondents' federal crimes of fraud, including Mail Fraud and Wire Fraud with Petitioner's mail and with the court mail addressed to Petitioner are sufficient bases to grant Petitioner the basic right to the discovery, to examine defendants under oath, for the court hearing and jury trial so that lawsuits could be fairly adjudicated?
- 2) Whether the Supreme Court can exercise it's supervisory power to grant Petitioner's eighth petition with request to investigate willful and persistent fraud on the court committed by lower courts and defendants' recurring federal crimes, of obstruction of justice committed by defendants and defendants' representatives?

6.The 4th Circuit Court of Appeals has wrongly decided an important question of federal law that has not been, but should be settled by this Court. The district court final 8/25/21 and 10/08/21 Orders are unsupported, wrong and are a clear manifest of fraud on the court committed willfully and persistently by the District Court Judge Blake with defendants in 2019, 2020 and 2021 to cover-up organized federal crimes of Mail Fraud and Wire Fraud to dismiss

consolidated case / (six lawsuits) by fraud, without discovery, without court hearing, without jury trial and without the examination of defendants under oath, and without the criminal investigation of Mail Fraud and Wire Fraud conspired and committed by Blake, with Manzullo and defendant Kessmeier since 2019. Time and again because of fraud on the court mail fraud escalated in 2020 and in 2021, see direct evidence of federal crimes in Plaintiff's Exhibits A, B and C (in Appendices 9A, 10A and 11A). Specifically, the 4th Circuit Court did not address any issue raised in the Petitioner's appeal, but instead, dismissed the appeal so that fraud on the court could continue to escalate.

7. The Fourth Circuit Court of Appeals has decided an important federal question in a way, which conflicts with DOHA court decision and with the relevant decisions of this Court that clearly call for an exercise of this Court's supervisory power.

LIST OF PARTIES

Petitioner DR. YURI J. STOYANOV was at all times relevant to this action employed as a Scientist, GM-13, ND-1310-4, at the Naval Surface Warfare Center, Carderock Division, of the US Department of the Navy (the “Agency”). This case is eighth in a series of fourteen cases filed with the US District Court of Maryland since 2005.

Because of the Petitioner’s age, national origin and in reprisal for participation in the Whistleblowing and the EEO discrimination complaint activities since 2002, Respondents, current and former employees of the agency with impunity escalated intentional violations of laws, intentional discrimination, egregious retaliation, and fraud, including mail fraud and wire fraud. Since 2005, after Petitioner and his brother Dr. Aleksandr J. Stoyanov filed first lawsuits with the US District court of Maryland, the judges in Baltimore and Greenbelt, Maryland instead of stopping defendants’ violations of laws, fraud, intentional discrimination and egregious retaliations against Petitioner and his brother, deliberately covered-up crimes of defendants and defendants’ representatives, and encouraged them to escalate their violations by fraudulent decisions, as every decision was based on fraud, without jury trial, without discovery and hearing, simply by adopting defendants’ deliberate misrepresentations and fraudulent representations. Since 2005, Petitioner and his brother filed motions to bring truthfulness into court proceedings including, ‘Motions to Compel Defendants Representatives to Certify Under Penalty of Perjury the Content of Defendants’ correspondence to be Accurate and True” and also ‘Motions for Sanctions

against Defendants'. Petitioner's motions were supported by direct evidence of defendants' fraud in the record and were timely filed, however, were denied so that the agency counsel, the career criminal Defendant C. Kessmeier, in conspiracy with the Defendants Representatives the career criminal R. Rosenstein acting as US Attorney, with his assistants, specifically, career criminals J. Sippel, Jr., Defendant D. Caron and others, with impunity could continue to escalate violations of laws, fraud, submit deliberate misrepresentations, suborn witnesses, instigate defendants to violate laws, intentional discrimination, egregious retaliation and fraud so that their fraudulent submissions were adapted by the District Court that amounted to fabricated fraudulent decisions in favor of defendants. Direct evidence of willful and persistent fraud on the court is in the court records including following facts:

In 2005, Petitioner and his brother in their first lawsuits against the same defendant, namely, the third level supervisor Defendant J. King with his subordinates, whom he fraudulently and secretly promoted and installed to positions of authority, intentionally escalated violations of laws, fraud, intentional discrimination and egregious retaliations against the Petitioner and his brother Dr. Aleksandr Stoyanov, the only two Russian born employees in the department, to remove each from work by fraud for Whistleblower's and EEO discrimination complaint activities. Cases were assigned to the same US District Court Judge R. Bennett who fabricated fraudulent decisions based on career criminals' defendant Kessmeier and defendants' representatives R. Rosenstein with J. Sippel submitting malicious fraud to the court. Petitioners also identified fraud with the

transcripts of court hearings. Filed motions with direct evidence of fraud and requested to release copy of audiotapes of the court hearings to uncover additional fraud. However, the Petitioners' motions were denied because of fraud on the court and criminal conduct by the defendants' representatives. Petitioners disclosed such violations to this Court, but neither Bennett nor Rosenstein, nor Sippel, nor Kessmeier and other criminals were stopped, or removed from Petitioner's cases, instead, the criminals were encouraged to escalate violations of laws, fraud, and malicious misrepresentations with impunity, and there were no more court hearings, discovery, or examination of witnesses in the Petitioner's other fourteen (14) cases since 2006 to this day. Instead Judge Bennett maliciously and intentionally stalled the subsequent cases and assigned them to the inactive docket. Petitioner was able to reactivate the 2009 civil actions only in September 2018.

Respondents

RAY MABUS, Secretary of the Navy; JAMES H. KING, Individually and in his Official Capacity as the Head of Code 70; KEVIN M. WILSON. Individually and in his Official Capacity as the Head of Code 74 Carderock Division Naval Surface Warfare Center; DAVID L. MAYO, Individually and in his Official Capacity a~ the Head of Code 743 Carderock Division Naval Surface Warfare Center; MARK THOMAS, Individually and in his Official Capacity as BEO Chief and Commander of Code 00 Carderock Division Naval Surface Warfare Center; DAVID CARON, Individually and in his Official Capacity as Assistant Counsel Code 39 Carderock Division Naval Surface Warfare Center;

JACK K. TEMPLETON, Individually and in his Official Capacity as Head of Code 20 Carderock Division Naval Surface Warfare center; CATHERINE L. KESSMEIER, Individually and in her Official Capacity as Counsel of Code 004 Carderock Division Naval Surface Warfare Center; KENETH R. GOLDMAN, Individually and in his Official Capacity as Head of Code 71 Carderock Division Naval Surface Warfare Center; KENNETH I. FORMAN, Individually and in his Official Capacity as Head of Code 73 Carderock Division Naval Surface Warfare Center; SAM HAN, Individually and in his Official Capacity as Head of Code 74 Carderock Division Naval Surface Warfare Center; CIRO MINOPOLI, Individually and in his Official Capacity as Head of Code 75 Carderock Division Naval Surface Warfare Center; WILLIAM SNYDER, Individually and in his Official Capacity as Head of Code 20 Carderock Division Naval Surface Warfare Center; M. WADE, Individually and in his Official Capacity as Head of Code 21 Carderock Division Naval Surface Warfare Center; M. I. BABERICH, Individually and in her Official Capacity as Head of Code 64 Carderock Division Naval Surface Warfare Center; BRUCE CROCK, Individually and in his Official Capacity as Head of Code 741 Carderock Division Naval Surface Warfare Center; WILLIAM MARTIN, Individually and in his Official Capacity as Head of Code 722 Carderock Division Naval Surface Warfare Center; CHARLES R. REEVES, Individually and in his Official Capacity as Product Area Director of Code 09 Carderock Division Naval Surface Warfare Center; L. MURPHY, Individually and in his Official Capacity as Read of Code 22 Carderock Division Naval Surface Warfare Center; DAVID WINTER, DR Former Secretary of the Navy U.S. Department of the Navy

GARY ROGHEAD, Individually and in his Official Capacity as Chief of Navy Operations; ARCHER M. MACY, Individually and in his Official Capacity as Commander of NSWC; PAUL B. SULLIVAN, Individually and in his Official Capacity as Commander of SEA 00; JEFFERSON BEAUREGARD SESSIONS III, Attorney General; ROBERT K. HUR, U. S. Attorney, U.S. Attorney; MARGARET LONG, Individually and in her Official Capacity as Administrative/Technical Specialist Code 39; GARY M. JEBSEN, Individually and in his Official Capacity as the Head of Code 70; GARTH JENSEN, Individually and in his Official Capacity as Deputy Head of Code 70; MIKE MULLEN, Individually and in his Official Capacity as Chief of Naval Operations; ELAINE B. MCKINNEY, Individually and in her Official Capacity as Deputy EEO Chief Code 004; WAYNE WEIKERT, Individually and in her Official Capacity as the Head of Code 70; CHRIS D. MEYER, Individually and in her Official Capacity as EEO Chief and Commander of Code 00; JEROME CARRUBBA, Individually and in his Official Capacity as Security Manager of Code 03; NEACLESA ANDERSON, Individually and in her Official Capacity as General Counsel of Code 04; JOSEPH VIGNALI, Individually and in his Official Capacity as the Head of Code 7204; PAUL SHANG, Individually and in his Official Capacity as the Head of Code 707; SUN HAN, Individually and in his Official Capacity as the Head of Code 74; ROBERT WINGO, Individually and in his Official Capacity as the Head of Code 7502; ROBERT KOLLARS, Individually and in his Official Capacity as the Head of Code 7102; JAMES SHANNON, Individually and in his Official Capacity as Chief of NSWC; KEVIN M. MCCOY, Individually and in his

Official Capacity as Chief of NAYSEA; GARY ROUGHHEAD, Individually and in his Official Capacity as Chief of Naval Operations; BARBARA REDINGER, Individually and in her Official Capacity as Security Manager Code 40; B. CAHILL, Ms., Individually and in her Official Capacity as Head of Workforce Relations Branch Code 39

CERTIFICATE OF INTEREST

RULE 29.6 DISCLOSURE STATEMENT

Petitioner Dr. Yuri J. Stoyanov is not a corporation.

9/26/22

Date

Yuri Stoyanov

Yuri Stoyanov

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(1960), citing Offutt v. United States, 348 U.S. 11,
14, 75 S. Ct. 11, 13 (1954).
Due Process Clause of the U.S. Constitution. United
States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996)
U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S.
232, 94 S. Ct. 1683, 1687 (1974)

OPINIONS BELOW

1. U.S. Court of Appeals for the Fourth Circuit, Docket No. 21-2222 (1:09-cv-03479-CCB) Order June 28, 2022. (Appendix 1A)
2. U.S. Court of Appeals for the Fourth Circuit, Docket No. 21-2222 (1:09cv-03479-CCB) April 28, 2022, Unpublished Per Curiam Opinion (Appendix 2A)
3. U.S. District Court Order dated 10/08/21 Document 99Docket No. 1-:09-cv-03479 -CCB (Appendix 3A)
4. U.S. District Court Order dated 08/25/21 Document 94, Docket No. 1- :09-cv-03479 -CCB (Appendix 4A)
5. U.S. District Court Order dated 09/03/21 Document 96, Docket No. 1 :09-cv-03479 -CCB (Appendix 5A)
6. Petitioner's 9/13/21 "Motion to transfer consolidated by fraud case from current district judge C. Blake to another judge." Document 97 (Appendix 6A)
7. Petitioner's 9/2/21 "Motion to Reconsider August 25, 2021 Order Ruling on Plaintiff's August 12, 2021 Fifth Urgent motion for Discovery and Plaintiff's August 23, 2021 motion for extension of time." (Appendix 7A)
8. Petitioner's 8/12/21" Fifth Urgent motion for Discovery, Deposition of Witnesses/Defendants and Criminal Investigation of Federal Crimes of Mail Fraud of 2019, 2020 and 2021. (Appendix 8A)
9. Petitioner's Exhibit A: Direct evidence of the June 2021 federal crime of mail fraud committed with the US District Court of Maryland mail addressed to Plaintiff (Appendix 9A)
10. Petitioner's Exhibit B: Direct evidence of Marzullo's July 2020 mail fraud. (Appendix 10A)

11. Petitioner's Exhibit C: Direct evidence of Marzullo's perjury and fraud with the certificate of service in defendants' July 2020 untimely motion (ECF 61) is shown in Exhibit C (Appendix 11A)

JURISDICTION

Per Curiam Opinion of the court of appeals was entered on April 28, 2022. Timely petition for rehearing en banc was filed on the 6/6/21, denied on June 28, 2022. The petition for a writ of certiorari is filed within 90 days. The jurisdiction of this Court is invoked under 28 U.S.C. §1254.

STATUTES INVOLVED IN THIS CASE

- a) Whistleblower Protection Act, 5 U.S.C. 2302(b)(8) ("WPA"); 5 U.S.C. §§2301-2302; 42 U.S.C. §1983. Jurisdiction of this matter pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1367, 28 U.S.C. 1343, 29 U.S.C. 621 et seq., and 42 U.S.C. 1983, Age Discrimination in Employment act of 1967, 29 U.S.C. 621 et seq. ("ADEA"); Title VII of the 1964 Civil Rights Act, 42 U.S.C. 2000e et. seq. ("Title VII");
- b) Jurisdiction over Dr. Yuri J. Stoyanov's Whistleblower claim is conferred under Whistleblower Protection Act ("WPA") of 1989 (Public Law 101-12). Jurisdiction over individual defendants is conferred by 42 U.S.C. §1983
- c) Mail Fraud (18 U.S.C. section 1341) and Wire Fraud (18 U.S.C. section 1343).

STATEMENT OF THE CASE

1. Petitioner Dr. Yuri J. Stoyanov filed the original civil action Case No. 09-3479 with the U.S. District court of

Maryland, with 14 counts against defendants at the agency, the Naval Surface Warfare Center (NSWC), Carderock Division in Maryland and 34 claims of employment discrimination and egregious retaliations against him on the basis of his participation in the Whistleblower's activity, violations of Age Discrimination Act, ADEA, 29 U.S.C. § 621 et seq., and Title VII on bases of national origin and in reprisal for participation in prior EEO discrimination complaint activities since 2002. The case was put on inactive docket pending adjudication of petitioner's prior civil actions filed in the court since 2005. In September 2018 the case was re-activated and on October 31, 2018 Petitioner filed motion to amend with six other Petitioner's complaints. On December 21, 2018 Petitioner's motion was granted and on January 5, 2019, Petitioner timely sent and served with summons and amended/consolidated complaint to each defendant via US Postal Service certified mail with restricted delivery. However, to dismiss the amended/consolidated case by fraud the agency counsel defendant Kessmeier with her assistants' defendant Caron and others committed Mail Fraud and Wire Fraud with Petitioner's certified mail. After Petitioner timely discovered mail fraud and wire fraud he timely filed 1/18/19 motion to investigate fraud, but defendants' representative Marzullo deliberately misrepresented facts and fabricated baseless accusations to cover-up Defendants crimes and maliciously tampered with the official US Postal Service records to file the 3/26/19 motion to consolidate the already amended/consolidated case with additional five separate lawsuits filed years apart. To cover-up federal crimes committed by defendant Kessmeier with defendant Caron, on 4/16/19, district judge Blake,

denied Petitioner's motion to investigate fraud and two motions to impose sanctions against defendants. and, instead, granted defendants' fraudulent motion to consolidate. The 4/16/19 Judge Blake's decision amounted to fraud on the court. Direct evidence of fraud on the court and defendants' mail fraud and wire fraud are in the court records, including original US Postal Service mail records with direct evidence of criminal tampering with certified mail return cards and deleting mail delivery entries for 15 defendants in the USPS mail tracking records.

2.Neither the agency representative Defendant Kessmeier and her assistant Defendant Caron were stopped from committing federal crimes of Mail Fraud and Wire Fraud in January 2019, nor the defendants' representative Marzullo; instead, Judge Blake granted defendants' fraudulent motion to consolidate based on fraud, baseless accusations and criminal tampering with official US Postal Service records. Thus, criminals with impunity could continue to commit additional crimes and violations of laws until they succeed to dismiss lawsuits against defendants Kessmeier, Caron and others by fraud and criminal mail tampering actions to create fraudulent pretext, such as "for Plaintiff's failure to serve on defendants with summons.."

3.After Plaintiff filed motions with opposition to fraudulent consolidation, Blake escalated fraud on the court and denied 4/5/19 and 4/22/19 motions in the final 4/16/19 and 4/30/19 orders, although, Plaintiff timely filed appeal with the 4-th Circuit and then the Petition No.19-1179 with this Court.

4.This case is the continuation of Petitioner's seventh petition 19-1179 for writ of certiorari to this Court. In 2020, after this Court did not take remedial actions to

stop criminals at the District Court for the District of Maryland, district judge Blake blatantly escalated retaliations, violations of laws, continued fraud, including mail fraud with court mail addressed to Plaintiff in July 2020, August 2020, January 2021 and June 2021 in order to dismiss Petitioner's lawsuits without discovery, without court hearing, without jury trial, under fraudulent pretext, such as "for Plaintiff's failure to serve on defendants with summons and complaint, " or "for Plaintiff's failure to respond timely to the Order". Note that each time Mail Fraud was committed in 2020 and 2021, and Plaintiff timely discovered and filed motion with the request for the discovery and to investigate crimes, Judge Blake denied every motion by fraud to preclude discovery and the criminal investigation into 2019, 2020 and 2021 crimes of Mail Fraud and Wire Fraud. Direct evidence of fraud on the court and intentional cover-up of crimes and criminals in this case available in the District Court records.

Soon after this Court's 2020 decision on the 19-1179 petition was announced, defendants' representative Marzullo in July 2020 committed additional Mail Fraud and perjury with defendants' mail to Petitioner, to harm Petitioner and, by fraud, to deny Petitioner's motion of June 2020, see Exhibits B and C, in Appendices 10A and 11A. Then, in August 2020, Marzullo with Judge Blake and deputy court clerk committed Mail Fraud with court mail addressed to Petitioner, mail containing summonses for defendants in five added lawsuits, was without summonses for the 16 most crucial defendants/witnesses so that Petitioner would not receive summonses and would not serve 16 defendants, then Judge Blake could dismiss the case by fraud and fraudulent accusation "for

Plaintiff's failure to serve on defendants with summonses..."

5. See Petitioner's Exhibit A, in Appendix 11A and Petitioner's 8/12/21 'Fifth urgent motion for discovery' (ECF 91), where Petitioner respectfully requested that the court issue the scheduling order for discovery and to investigate federal crimes of Mail Fraud of June 2021, January 2021, August 2020, July 2020, April 2019, March 2019 and January 2019, criminals and to impose sanctions against defendants. See Appendices 8A and 9A

The 4th Circuit Court committed intentional cover-up of judge Blake's fraud on the court.

6. Petitioner Dr. Yuri J. Stoyanov submits his petition for a writ of certiorari to vacate the Appeals court decision and the district court final 8/25/21 and 10/08/21 orders, which are a clear manifest of fraud on the court committed willfully and persistently to cover-up malicious violations of laws and federal crimes of Mail Fraud and Wire Fraud to dismiss consolidated case of six lawsuits without discovery, and without jury trial

7. The 4th Circuit Court did not address any issue raised in the Petitioner's appeal, instead, dismissed the appeal so that fraud on the court could continue to escalate.

8. The U.S. Supreme Court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) stated "when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subject in his person to the consequences of his individual conduct". "By law a judge is a state officer. The judge then acts

not as a judge, but as a private individual (in his person).” “Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.” (11) “Any judge or attorney who does not report the above judges for treason as required by law may themselves be guilty of misprision of treason.” 18 U.S.C. Section 2382

9. The district court final orders on Petitioner’s 8/12/21 “fifth urgent motion for discovery..” and 9/13/21 “motion to transfer consolidated case from Blake to another judge” were deliberately misrepresented by the 4-th court of appeal as not final, to cover-up fraud on the court committed by the District Judge Blake in 2019, 2020, 2021, to retaliate for Petitioner’s prior petitions for writ of certiorari where Petitioner provided direct evidence in the court records that the chief judge Roger L. Gregory of the 4-th Circuit Court deliberately lied and committed fraud in his orders and memorandums, see specific direct evidence of Gregory’s fraud and the cover-up of crimes and criminals in prior petition to this Court 17-174. Rule 60 of Federal Rules of Civil Procedure, entitled “Relief from a Judgment or Order” “does not limit a court’s power to set aside a judgment for fraud on the court,” Fed. R. Civ P. 60(d) codifies a fundamental principle: federal courts have always had the “inherent equity power to vacate judgment obtained by fraud,” United States v. Estate of Stonehill, 66- F.3d 415, 443 (9th Cir 2011). The 7th Circuit further stated, “a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.” Not only Petitioner and his brother were harmed since 2005 to this day but also institutions that were set up to protect public. Fraud on the court “is a wrong against institutions set up to protect and safeguard the public,

institutions in which fraud cannot complacently be tolerated consistently with the good order of society," Pumphrey v. K. W. Thompson Tool Co, 62 F.3d 1126, 1133 (9th Cir. 1995)

10. The undisputed evidence in the record shows that Petitioner's motions were denied while respondents' motions based on fraud and tampered mail records were granted in violations of law and Petitioner's rights as Judge Blake and respondents committed violations of laws including the 42 U.S.C. 1983, 18 U.S.C. 1512, Mail Fraud (18 U.S.C. section 1341) and Wire Fraud (18 U.S.C. section 1343, Whistleblower's Protection Act, 5 U.S.C. 1214 *et seq.*, 5 U.S.C. §§2301-2302; federal laws 28 U.S.C. § 1331, and 28 U.S.C. 1367, 28 U.S.C. 1343, 29 U.S.C. 621 *et seq.*).

BACKGROUND

11. Petitioner and his brother Dr. Aleksandr J. Stoyanov were born in the former Soviet Union in 1955 and became American citizens in 1984. After receiving the Ph.D. in Physics from the Catholic University of America in 1986 they applied for and were awarded with the Office of Naval Technology (ONT) Postdoctoral scholarships with the Department of the Navy ("agency") in 1986 and 1988, respectively. Petitioner and his brother were employed as Scientists, GM-13, ND-1310-4 at the Department of the Navy, Naval Surface Warfare Center (NSWC), Carderock Division in Maryland since 1987 and 1989, respectively, until the new second level supervisor was transferred from another technology department. The new supervisor, Defendant King, who at all times relevant herein was hiding behind first level supervisors, started and escalated the snowball of intentional violations of laws, fraud, intentional

misrepresentations, intentional discrimination on the basis of Petitioner's age, national origin, and retaliations for the Whistleblower's and EEO discrimination complaints activities, against Petitioner and his brother, the only two Russian-born employees in Code 70¹. Beginning in 2002, Petitioner filed disclosures with the Office of Special Counsel and EEO discrimination complaints with the agency, disclosing violations of laws, fraud, discrimination and the cover-up of crimes committed by the second level supervisor and his subordinates, whom he fraudulently and secretly promoted, individuals with inferior qualifications using "accretion of duty" pretext and installed in positions of authority to escalate violations of laws, fraud, and the cover-up, to escalate intentional discrimination against Petitioner and his brother, to retaliate for Whistleblowing and discrimination complaint activities and disclosures of conspiracy to cover-up violations of laws.

12. Within a month, after Petitioner filed his first EEO discrimination complaint of March 2002, the sick in the head supervisor retaliated and in April 2002 transferred Petitioner to another technology department involuntary, from the one where Petitioner worked for over 15 years. Petitioner and his brother were forced to file additional disclosures with the chain of naval command, with OSC and discrimination complaints with the agency EEO office.

13. Because the administrative process was corrupted by respondents, specifically, by criminal conduct of the agency counsel Defendant Kessmeier and her assistant Defendant Caron, the agency investigations of the disclosures and complaints of discrimination were

¹ See Dr. Stoyanovs' cases with this Court Nos.08-1238, 08-888, 08-95, 09-1015, 09-1415, 17-174

stalled or entirely precluded by fraud, to cover-up the respondents' violations of laws, intentional discrimination and conspiracy to escalate retaliations and harm to the Petitioner and his brother.

14. For example, in instant case (1:09-cv-03479-CCCB) there are claims of defendants' fabricated accusations/charges against Petitioner to harm Petitioner in 2007, to suspend security clearance and to remove from work and federal service by fraud, in reprisal for Whistleblower's and EEO discrimination complaint activities since 2002, and on the bases of age and national origin. Petitioner filed timely EEO discrimination complaints and also the 2007 appeal with Defense Office of Hearing and Appeals (DOHA) Court regarding suspension of security clearance on fabricated charges. Defendants' fabricated accusations were investigated at DOHA court in 2008, but not in the district court because of fraud on the court to this day. In contrast to district courts, where Petitioner's requests for discovery, court hearing and jury trial had been denied by fraud since 2006 to this day, at DOHA court the administrative judge granted discovery and court hearing to examine under oath witnesses/(they are now defendants in instant case). At DOHA hearing the judge observed that not one accuser /(defendants in instant case) came to the hearing to testify under oath. In the 2008 transcripts of DOHA hearing judge stated that accusers failed to come to the hearing because their accusations were baseless and they were afraid to testify under oath and to loose their security clearance for perjury and fraud. As the result of the discovery and court hearing DOHA judge ruled in favor of the Petitioner, Petitioner's Top Secret security clearance was reinstated and Petitioner returned to work in April 2008. Because fabricated by defendants'

accusations of 2007 failed to cancel Petitioner's Top Secret security clearance and to remove from work, then defendants with impunity escalated violations of laws, intentional discrimination, egregious retaliations: issued disciplinary actions on fabricated accusations after Petitioner returned to work. Because of the willful and persistent fraud on the court at EEOC, MSPB and federal courts defendants Kessmeier, Caron and other defendants were not punished nor stopped from escalating violations of laws, intentional discrimination and egregious retaliations against Petitioner and his brother Dr. Aleksandr Stoyanov, instead, they were encouraged to commit more violations of laws, fraud and retaliations by fraud on the court: by fabricated fraudulent decisions in favor of the criminals. Defendants were protected by systematic fraud on the court at district courts from being examined under oath and their violations of laws, discrimination and crimes not to be investigated. Petitioner's motions for discovery, deposition of witnesses, court hearing and jury trial were willfully and persistently denied by fraud on the court in district courts since 2006 to this day. See prior seven petitions to this court.

15. In 2008, after Plaintiff returned to work, defendants Kessmeier and Caron instigated management officials/defendants to escalate retaliations and egregious retaliations to issue disciplinary actions by fraud, to remove from work and federal service in 2010 by fraud, after Petitioner since 2002 filed numerous disclosures with the chain of naval command, over six disclosures with US Special Counsel, over fifty (50) EEO discrimination complaints, eight lawsuits with district court, seven appeals with the 4th Circuit Court and five petition

with this Court. Since 2010 Plaintiff filed six additional civil actions with district court: cv-11-739, cv-12-2458, cv-13-141, cv-13-142, cv-14-3262, and two petitions with this court: 17-174 and 19-1179.

16.Because of fraud on the court in the district courts committed on Petitioner's 14 lawsuits defendants were not examined under oath since 2006 to this day. Petitioner's lawsuits of 2005, 2006, 2007 and 2008 were dismissed because of fraud on the court committed by R. D. Bennett, A. M. Davis, D. K. Chasanow, W. D. Quarley, W. M. Nickerson, G. L. Russell and others who committed fraud on the court in all our lawsuits filed since 2005 using defendants fabricated accusations, without discovery, court hearing, jury trial, so that defendants with impunity escalated violations of laws and retaliations. Because of the fraud on court, defendants knew they would not be investigated and examined under oath in courts, continued to escalate violations of laws, fraud, intentional discrimination and egregious retaliations with impunity.

17.In this eighth petition Petitioner respectfully requests this court to exercise its supervisory power to intervene, to grant this petition, so this case could be transferred to another judge with the order to conduct discovery, court hearing and jury trial to supplement deficient court records and to investigate federal crimes of 2019, 2020, 2021, in order to stop the flood of lower courts escalated fraud on the court, fabrication of fraudulent decisions, organized by Blake's fraud on court, federal crimes of Mail Fraud and Wire Fraud, and the cover-up of crimes and criminals. Without this court decisive remedial actions the fraud on the court, the intentional violations of laws, the escalated Federal Crimes of Mail Fraud and Wire Fraud and the

cover-up of crimes and criminals to harm Petitioner and the business of the nation's court system will continue to escalate.

DISTRICT COURT JUDGE C. BLAKE'S FRAUD ON THE COURT

18. In 2018, Petitioner's eighth civil action was reactivated and the case was assigned to a district court judge C. C. Blake.

19. The evidence of the willful and persistent Blake's fraud on the court is in the court record.

In January 2019 defendant Kessmeier with defendant Caron intercepted Plaintiff's certified mail containing summons and complaint for fifteen defendants in Bethesda, MD, and willfully and persistently committed Mail Fraud (18 U.S.C. section 1341) and Wire Fraud (18 U.S.C. section 1343) and were caught again², see Petitioner's 1/18/19 "Motion to Investigate Fraud and to Compel Defendants Representatives to Accept and Serve with Summons and Complaint 15 Defendants." Appendix 5A in petition No. 19-1179.

20. Attached to the 1/18/19 motion were the official US Postal Service receipts of certified mail with restricted delivery, mail tracking records, green cards/returned receipts and other documents. 21. Because of Judge Blake's fraud on the court the 1/18/19 motion to investigate fraud was denied and to this day was not investigated. To cover-up federal crimes of January 2019 committed by defendant Kessmeier, and the March 13, 2019 defendants motion of opposition where defendants' representative Marzullo inserted fraud, tampered mail records and requested by fraud to deny 1/18/19 motion. In the 3/25/19 motion for sanctions,

² See Dr. Stoyanov's instant Case No. CCB-09-3479 Appendices 5A, 6A and 7A

Petitioner disclosed fraud committed by Marzullo and requested to impose sanctions and to investigate fraud. Because of Blake's fraud on the court the motion for sanctions and to investigate fraud of January and March 2019 were denied and not investigated to this day. Then Judge Blake with Marzullo organized criminal schemes to commit more fraud and federal crimes of mail fraud with defendant Marzullo: on 3/26/19 Marzullo filed motion to consolidate, i.e. to add five additional lawsuits, so that Plaintiff would be forced again to serve on defendants with summons in five added lawsuits and then Blake with Marzullo could commit more violations of laws, fraud, including mail fraud to dismiss the case by fraud and to cover-up crimes committed in January and March 2019. Because of Blake's fraud on the court Marzullo's motion to consolidate was granted, while Plaintiff's motions 1/18/19 and 3/26/19 were denied by fraud in the 4/16/19 order. Plaintiff opposed consolidation in motions, appeals and in the petition 19-1179 to this court, because Blake' order for consolidation by fraud was not to advance justice but to obstruct justice, to cover-up federal crimes committed by Respondents in 2019 and also to escalate harm to Petitioner by committing additional crimes with impunity. Indeed, in 2020, after this court decision on petition 19-1179 was announced Judge Blake had been encouraged to escalate fraud on the court, and with Marzullo organized and committed criminal schemes of mail fraud addressed to Petitioner in 2020 and 2021. 22. See Petitioner's 8/12/21 "Fifth Urgent motion for discovery, deposition of witnesses /defendants, and criminal investigation of Mail Fraud of June 2021, January 2021, August 2020, July 2020, April 2019, March 2019 and January 2019." See also direct evidence of mail

fraud with court mail addressed to Petitioner, P's Exhibit A in Appendices 9A, 10A and 11A. Because direct evidence of mail fraud are in court record, Judge Blake escalated fraud on the court and denied Petitioner's Fifth Urgent motion for discovery and to investigate federal crimes of 2021, 2020 and 2021. After Judge Blake denied 8/12/21 motion in the 8/25/21 order, Petitioner filed 9/2/21 motion to reconsider the 8/25/21 order pursuant to Rule 60(d) Fed. R. Civ.

23. The 9/2/21 motion was denied on the next day without explanation. Similarly, Petitioner's 9/13/21 motion "to transfer the case to another judge" was denied in 10/8/21 order because of Judge Blake's fraud on the court.

24. 4th Circuit Court failed to address any issue, while direct evidence in the record show to any reasonable mind that district judge Blake willfully and persistently committed fraud on the court to cover- up Respondents' malicious, willful and persistent violations of laws, fraud, harmed Petitioner, and denied Petitioner's motions with direct evidence of federal crimes committed by defendants, such 2019 mail fraud⁸ and 2020 and 2021 mail fraud in

⁸ 1]. 1/18/19 "Motion to Investigate Fraud and to Compel Defendants' representative to Accept and Serve with Summons Defendants Kessmeier, Caron, Han, Crock, Forman, Goldman, Wilson, Martin, Wade, Snyder, Baberich, Reeves, Murphy, Thomas, Templeton, Mayo";

2] 3/25/19 "Motion for Sanctions and Rebuttal of Defendants Fraudulent response of 3/13/19 and 3/18/19 to Plaintiff's 1/18/19 Motion to Investigate Fraud and to Compel Defendants' representative to Accept and Serve with Summons 15 Defendants at Bethesda, MD";

3] 4/6/19 "Second Motion for Sanctions and Opposition to Defendants' Unsupported Motion of 3/26/19 with Fraudulent Demand to Consolidate";

4] 4/26/19 "Motion to Reconsider and Rescind the 4/16/19 Order and to Issue New Order to rescind consolidation of lawsuits, and to grant Plaintiff's

Appendices 9A, 10A and 11A.

25. The pattern of fraud on the court is already in the court record. Petitioner's motions were denied by district Judge Blake by fraud now for three years, while Respondents with impunity committed and continued to escalate violations of laws, fraud, federal crimes of Mail Fraud and Wire Fraud and harm to Petitioner. The 4th Circuit Court overlooked material, factual, and legal matter in addition to the reversible errors committed by Judge Blake. Lower courts final orders are clearly conflict with this Court's decisions and decisions of circuit courts, in *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982), *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011; *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984); in *Dennis v. Columbia Colleton Med. Ctr., Inc.*, 290 F.3d 639, 648 (4th Cir. 2002) and the decisions of the Supreme Court in *Burlington N. & S.F. Ry. Co. v. White*, 126 S. Ct. 2405, 2425 (2006) and *Reeves v. Sanderson Plumbing Products, Inc.*, 530 U. S. 133, 140 (2000),. *Id* at 648.

26. Therefore, fact-bound ruling does warrant this Court's review and to exercise it's supervisory powers to correct fraud on the court by lower courts involving "the proper administration of judicial business."

motions to Investigate Recurring Federal Crimes of Mail Fraud and Wire Fraud committed by Defendants and to Impose Sanctions against Defendants";

5] 5/6/19 "Motion to Compel Defendants Representatives to Certify Under Penalty of Perjury the Content of Defendants' Correspondence to the court to be Accurate and True";

6] 5/6/19 "Motion to Disqualify and Remove K. Marzullo from Defendants' Representative Position"

7] 5/6/19 "Motion to Compel Defendants to Send Confirmation to the Plaintiff for every Defendants' Correspondence submitted to the Court"

DISCUSSION

27.The district court judge Blake acted willfully and persistently with reckless disregard of the truth, committed fraud on the court, organized criminal schemes of mail fraud with defendants' representative Marzullo and with the agency representative defendant Kessmeier to harm Petitioner, for the purpose to dismiss lawsuits by fraud, without discovery, court hearing, jury trial: by fraud, by committing mail fraud time and again with court mail and with the mail addressed to Petitioner. In violation of Petitioner's rights judge Blake denied Petitioner's motions for discovery and to investigate federal crimes of mail fraud and wire fraud, willfully and persistently covered-up crimes and criminals in 2019, 2020 and 2021. "It is important that the litigant not only actually receive justice, but that he believes that he has received justice." Taylor v. O'Grady, 888 F. 2d. 1189 (7th Cir. 1989) In Pfizer Inc. v. Lord, 356 F.2d 532 (8th Cir. 1972).

28.Judge Blake's final orders denying Petitioner's "Fifth Urgent motion for discovery, deposition of witnesses /defendants and criminal investigation of federal crimes of mail fraud and wire fraud of 2019, 2020 and 2021," and Petitioner's motion "to transfer the consolidated case from judge Blake to another judge" are clear manifest of fraud on the court. "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." Liteky v. U.S., 114 S.Ct.1147, 1162 (1994).

29.The 4th Circuit fraudulently overlooked Judge Blake's fraud on the court, and the organized federal crimes and the cover-up of crimes and criminals, who with impunity escalated violations of laws, fraud, including mail fraud and wire fraud in 2019, 2020 and 2021. Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) (The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.)

30.Accordingly, Petitioner respectfully requests that this Court grants the petition for a writ of certiorari, to remand the case with the order to vacate Judge Blake's final orders 9/3/21 and 10/8/21, to transfer this case from Blake to another judge, to conduct discovery, criminal investigation into federal crimes of Mail Fraud and Wire Fraud, and jury trial. Accordingly, the lower courts decisions in this case should be vacated and reversed because their judgment contradicts direct evidence in the court records and encourages harm to the business of court and to Petitioner by career criminals who with impunity organize and escalate violations of laws, fraud, federal crimes of Mail Fraud and Wire Fraud and willful and persistent fraud upon the court and the cover-up of crimes and criminals.

CONCLUSION

31.As an initial matter, Petitioner respectfully requests that this Court grants the petition for a writ of certiorari in order to exercise its supervisory power to restore justice, to stop escalated fraud on the court and vacate the appeals court decision. The petition for a writ of certiorari has merit and is supported by direct evidence in the record.

32. By clear and convincing evidence Petitioner proved that district judge Blake committed fraud on the court: had been engaged in a stratagem of obfuscation, to dismiss the case by fraud and the pattern of criminal schemes that infected every aspect of this case. Judge Blake's conduct was not only grossly unfair to Petitioner, but an attack on the court and our system of justice. Since 2019 Judge Blake with Respondents had been engaged in more than one related criminal episode or scheme, criminal activity is continuous now for more than three years. It was not the consequence of episodic errors of judgment. Instead, it was systematic, pervasive, and purposeful, with each act aimed at affecting the administration of justice through the use of thoroughly corrupt proceeding designed to harm pro se Petitioner, to violate his right for discovery, for fair adjudication of claims and court hearing with jury trial. The total effect of all this fraud calls for nothing less than complete vacation of Blake's orders of 2019, 2020 and 2021. 33. For all the foregoing reasons, Petitioner respectfully requests that this Court exercise its supervisory power and rescind lower courts decisions. Accordingly, the petition for a writ of certiorari should be granted because the lower courts decisions far departed from justice and are direct evidence of fraud on the court. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. 62 F.3d at 1133. In U.S. Supreme Court prior decisions in cases involving a fraud on the court, this court confirmed time and again the intolerance the judiciary must have for misconduct that defiles the court.

34. This Court may grant a petition to determine

whether “the Court of Appeals ha[s] ‘so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court’s supervisory powers.’” *Nguyen v. United States*, 539 U.S. 69, 74 (2003). The Court thus invokes its supervisory powers “to prescribe the method by which [lower courts] go about deciding the cases before them.”

Date 9/26/22

Respectfully submitted,

Yuri Stoyanov
Dr. Yuri J. Stoyanov

Affidavit of Dr. Yuri John Stoyanov

I, Dr. Yuri John Stoyanov, have personal knowledge of the facts set forth herein, and competent to testify to these facts. The statements above are based on my personal knowledge. I do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the Writ of Certiorari are true.

9/26/22 Yuri Stoyanov
Dr. Yuri J. Stoyanov